

LYLE W. TODD AND EILEEN S. TODD

IBLA 76-651

Decided August 18, 1976

Appeal from decision of the Montana State Office, Bureau of Land Management, rejecting oil and gas lease application M-34128.

Affirmed.

1. Oil and Gas Leases: Applications: Sole Party in Interest

An oil and gas lease offer filed on a simultaneous filing drawing entry card must be rejected if it contains the names of additional parties in interest, and there is a failure to file the statement of their interests, the agreement between the parties, and the evidence of their qualifications within the time required by 43 CFR 3102.7.

Appearances: Lyle W. Todd and Eileen S. Todd, pro se.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Lyle W. and Eileen S. Todd have appealed from a decision of the Montana State Office, Bureau of Land Management (BLM), dated May 17, 1976, rejecting their oil and gas lease offer M-34128 for parcel number 1141. The offer was filed April 26, 1976, in a simultaneous drawing procedure pursuant to 43 CFR Subpart 3112.

Appellants' drawing entry card was drawn first for parcel 1141 in the April 1976 simultaneous drawing. However, on their drawing entry card, they indicated that Michael J. Todd had an interest in their offer. The offer was rejected because appellants failed to

file timely the statement of interest and the nature of the agreement between the parties as required by 43 CFR 3102.7. The regulation provides:

* * * If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer. * * *

Appellants state that this is their first attempt to obtain an oil and gas lease and that the information they had been sent by the BLM did not give them notice of these detailed requirements.

[1] We have repeatedly held that the requirements of 43 CFR 3102.7 are mandatory and that an offer not in compliance therewith must be rejected. Emily Sonnek, 21 IBLA 245 (1975); Joy Goodale, 18 IBLA 38 (1974); Wesley Warnock, 17 IBLA 338 (1974); Mary West, 17 IBLA 84 (1974); D. O. Keon, 17 IBLA 81 (1974).

In Ross Y. Gallen, 15 IBLA 86, 87 (1974), the Board upheld the rejection of an offer for which the required statement of interests was not filed. The Board rejected the argument that the drawing entry card was misleading in that the card itself does not specify that the other parties in interest must file the statement of interests required by 43 CFR 3102.7. The Board pointed out that persons dealing with the Government are presumed to have knowledge of duly promulgated regulations (44 U.S.C. ss 1507, 1510 (1970); Federal Crop Ins. Corp. v. Merrill, 332 U.S. 380, 384-85 (1947)), and in addition noted that the drawing entry card contains a reference to 43 CFR Subpart 3102 to aid the applicant in compliance with the oil and gas regulations, including the provision at issue here. Furthermore, since then, the entry card has been changed, and the card submitted by appellants specifically referred to the requirement of 43 CFR 3102.7. If the statement as to the nature of the agreement between the parties is not filed, the offer must be rejected.

We also note that the information appellants received from the BLM (copies of which they submitted with their appeal) made specific references to the complexity of the simultaneous drawing procedure requirements. An outline of the procedure specifically emphasizes:

* * * Oil and gas leasing is both highly competitive and technical. If this is your first experience with public land leasing, you should carefully study the laws, regulations and lease forms before submitting an application.

BLM information, records, maps and other materials are available to anyone interested in filing an application. You may use these materials to locate land and prepare your own application * * *.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Martin Ritvo
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Joan B. Thompson
Administrative Judge

